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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,457	10/15/2004	Peter Neumann	112740-1017	9884

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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,457

Applicant(s)

NEUMANN, PETER

Examiner

Kiet Doan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is response to amendment file on 09/28/2005.

Response to Arguments

Applicant's arguments filed 09/28/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that reference **fail to teach** providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence.

Examiner respectfully disagrees, in Hoirup (Patent No. 6,397,054) teaches providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence (examiner further notice that the establishment of emergency service illustrate in Fig.3, No.330 happen if a mobile station requesting the communication communicates the sequence No.310, the channel request messaged indicates an establishment cause, which is interpreted as the transmitted sequence from the mobile station).

Therefore, examiner interpreted providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence as broadest reasonable interpretation and it is proper.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wizgall et al. (Patent No. 5,630,209) in view of Hoirup et al. (Patent No. 6,397,054).

Consider **claim 9**, Wizgall teaches a method for controlling establishment of connections to mobile stations present in an area hit by a disaster, the method comprising: transmitting a sequence in a message sent to the mobile stations in at least one cell of a mobile radio network present in the area (Abstract, C4, L18-57, teach transmission net work which contain MSC means as transmitting a sequence and mobile station would read on ER1). Wizgall teaches the limitation of claim as discuss **but fail to teach** and providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence.

In an analogous art, Hoirup teaches "Feature for emergency calling and short messaging system". Further, Hoirup teaches and providing that a connection only be established from a mobile station in the area to a destination called by the mobile station if the mobile station requesting the connection establishment communicates the sequence (Abstract, C1, L31-51, C2, L17-51, C3, L1-9, Fig.1 Illustrate establishment emergency call which can be voice connection in cellular system, and the connection

establishment communicates the sequence would read on call re-establishment and further cite that the establishment of emergency service illustrate in Fig.3, No.330 happen if a mobile station requesting the communication communicates the sequence No.310, the channel request message indicates an establishment cause, which is interpreted as the transmitted sequence from the mobile station).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Wizgall and Hoirup system, such that controlling establishment of connections to mobile stations present in an area hit by a disaster with transmitting a sequence in a message sent to the mobile stations in at least one cell of a mobile radio network present in the area and providing connection only be established from a mobile station in the area to a destination called by the mobile station, to provide means for keeping connectivity or service of mobile station in an emergency of disaster area.

Consider **claim 10**, Hoirup teaches a method for controlling establishment of connections to mobile stations as claimed in claim 9, wherein the sequence is transmitted as a cell broadcast short message (C4, L10-37).

Consider **claim 11**, Hoirup teaches a method for controlling establishment of connections of mobile stations as claimed in claim 9, wherein the sequence is transmitted as a circuit switched group call (C3, L35-55 teach MSC in the system with can transmitted as a circuit switched group call).

Consider **claim 12**, Wizgall teaches a method for controlling establishment of connections of mobile stations as claimed in claim 9, wherein the transmission of the sequence occurs via an SIM application toolkit of a mobile station, the SIM application toolkit prompting the mobile station to transmit data representing at least one of a telephone number of the mobile station and a terminal number of the mobile radio to one of the mobile radio network and a destination (C4, L58-67, C5, L1-4, C6, L58-67, C7, L1-15, teach SIM application which read on card reader CI/chip card).

Consider **claim 13**, Wizgall teaches a method for controlling establishment of connections of mobile stations as claimed in claim 9, wherein a telephone number of a subscriber, which a mobile station may call during the disaster, consists of the sequence and at least one of at least part of a device number of the mobile station and a subscriber ID number of the mobile station (C1, L18-40).

Consider **claim 14**, Hoirup teaches a method for controlling establishment of connections of mobile stations as claimed in claim 9, further comprising scanning at least one of telephone numbers and mobile station device numbers of the mobile stations in the area to substantially ascertain which of the mobile stations are present in the area (C4, L55-67, C5, L1-19).

Consider **claim 15**, Wizgall teaches a switching device for controlling

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establishment of a connection to mobile stations present in an area hit by a disaster, comprising: parts for transmitting a sequence in a message sent to the mobile stations in at least one cell of a mobile radio network present in the area; parts for receiving, in an event of the disaster (C3, L25-35, C4, L18-45, teach disaster would read on emergency).

Hoirup teaches the sequence with a request for establishment of a connection to a destination from a mobile station in the area; and parts for establishing the connection to the destination, if the mobile station can specify the sequence and the destination is a destination provided for call establishment (Abstract, C1, L31-51, C2, L17-51, Fig.1, Illustrate mobile station request connection/ establishing the connection to the destination).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Wizgall and Hoirup system, such that transmitting a sequence in a message sent to the mobile stations in at least one cell of a mobile radio network present in the area; parts for receiving, in an event of the disaster, to provide means for uninterrupted service request in the even of emergency or disaster.

Consider **claim 16**, Wizgall teaches a mobile station, comprising: parts for receiving, in an event of a disaster in an area in which the mobile station is present, a sequence transmitted in a message sent to the mobile station in at least one cell of a

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mobile radio network present in the area (c4, L19-45, Fig.1, Illustrate mobile station read on ER1, sequence transmitted read on MSC and cell read on BS) ;

Hoirup teaches and parts for transmitting the sequence with a request for establishment of a connection to a destination to the mobile radio network (C1, L31-50, C2, L35-46).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Wizgall and Hoirup system, such that sequence transmitted in a message sent to the mobile station in at least one cell of a mobile radio network present in the area and parts for transmitting the sequence with a request for establishment of a connection to a destination to the mobile radio network, to provide means for capable of transceiver during emergency or disaster.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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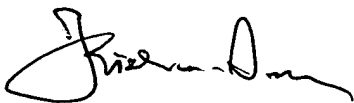
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.

The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
Patent Examiner



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600